

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DERRICK HAMILTON,

Plaintiff,

v.

JAMES CONWAY, et. al.,

Defendants.

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**ORDER**  
03-CV-527S

On January 28, 2008, this Court issued a Decision and Order (Docket No. 63) that directed the Clerk of the Court to terminate Ray Pierce as a Defendant. However, Plaintiff's claim against Defendant Pierce for use of excessive force has not been dismissed. Accordingly, the docket should be corrected to show that Ray Pierce remains a Defendant in this action.

IT HEREBY IS ORDERED, that the portion of this Court's prior Decision and Order (Docket No. 63) that terminated Ray Pierce as a Defendant is VACATED.

FURTHER, that the Clerk of the Court shall reinstate Ray Pierce as a Defendant.

SO ORDERED.

Dated: February 6, 2008  
Buffalo, New York

\_\_\_\_\_/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge